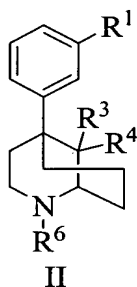


### REMARKS

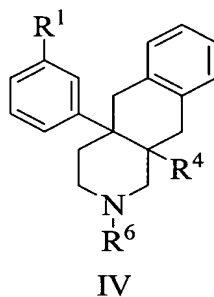
Claims 1 to 59 are pending. Claims 60-76 have been cancelled. Claims 5-7, 22, 23, 25, 39, 40, and 41 have been amended. Claims 77-93 have been added. No new matter has been added.

A restriction has been required to one of eleven groups of inventions, characterized as Groups I-XI.<sup>1</sup> The Groups, claims, and associated subject matter, as set forth in the Office Action, are as follows.

- I. Claims 17-35, 46 in total; 1-16, 45, 47 in part; drawn to compounds of Formula II and the composition thereof, classified in class 540, subclass 477:

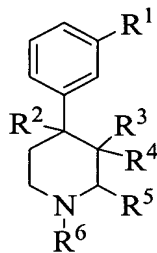


- II. Claims 36-44 in total; 1-16, 45, 47 in part; drawn to compounds of Formula IV and the composition thereof, classified in class 546, subclass 101:



- III. Claims 1-16, 47 in part; drawn to compounds not included in Group I or II. This includes compounds of formula I:

<sup>1</sup> Applicant notes that Groups VIII and IX appear to be drawn to the same subject matter. Clarification is respectfully requested.



I

wherein R<sup>2</sup> and R<sup>5</sup> together form  $-(CH_2)_2-$  or  $-(CH_2)_2-$ , or wherein R<sup>2</sup> and R<sup>3</sup> together form a fused carbocycle other than the tetrahydronaphthalene shown in the compound of formula IV, class and subclass various dependent on the species elected.

- IV. Claims 48-49, drawn to compositions comprising multiple active ingredients, classified in class 514, subclass various dependent on the species elected.
- V. Claims 50-66 (as amended herein), drawn to methods of binding opioid receptors, classified in class 514, subclass various, dependent on species elected.
- VI. Claim 67 (as amended herein), drawn to methods of preventing or treating gastrointestinal dysfunction, classified in class 514, subclass various depending on species election, classified in class 514, subclass various, dependent on species elected.
- VII. Claims 68-69, drawn to methods of preventing or treating ileus, classified in class 514, subclass various dependent on species elected.
- VIII. Claim 67 (as amended herein), drawn to methods of preventing or treating obesity, classified in class 514, subclass various depending on species elected.
- IX. Claim 70 (as amended herein), drawn to methods of preventing or treating obesity, classified in class 514, subclass various, dependent on species elected.
- X. Claims 71-74 (as amended herein), drawn to methods of preventing or treating side effect associated with an opioid, classified in class 514, subclass various depending on species elected.
- XI. Claims 75-76 (as amended herein), drawn to methods of preventing or treating pain, classified in class 514, subclass various depending on species elected.

Applicants hereby elect *with traverse* to prosecute the subject matter of **Group I**. Applicants traverse the restriction requirement and request reconsideration thereof because the search and examination of the entire application can be made without serious burden. Compounds of Groups I, II, and III are related in that they all fall within the scope of compounds of formula I (see generic linking claim 1) which contain a piperidine ring including a nitrogen atom, said piperidine ring substituted by an aryl ring and an R<sup>6</sup> moiety attached to the ring nitrogen atom. The compounds of Groups I, II, and III differ to the extent that R<sup>2</sup> is taken together with R<sup>3</sup>, or R<sup>2</sup> is taken together with R<sup>5</sup> to form another ring. As such, the search for prior art related to all of the subject matter claimed in claim 1 should not present an undue burden, and for the sake of efficiency, applicants submit respectfully that it is incumbent upon the Office to conduct a search of all of the claimed subject matter. Should the restriction requirement not be withdrawn upon further review, applicants hereby reserve the right to file one or more divisional applications directed to any of the non-elected subject matter.

Applicants note that the Examiner did not require the further election of species for Group I or Group II. As such, it is applicants' understanding that the search and examination of elected Group I will include the full scope of the subject matter within Group I as established by the Examiner.

It is also applicants' understanding that the claims of Groups IV-XI will be rejoined with elected Group I as a matter of right, provided that they are limited to the scope of the allowable product claims of Group I.


Applicants have amended the specification at paragraphs [0014] and [0062] and claim 1 to clarify the identity of the structure therein with the identifier "I". Applicants have amended the specification at paragraphs [0072], [0080], and [0086] through [0092] and claims 5-7, 22, 23, 25, 39, 40, and 41 to correct a minor typographical error in the R<sup>6</sup> moiety. Applicants have amended the specification at paragraph [0028] to remove an inadvertently added structure. Applicants are canceling claims 60-76, which were misnumbered as claims 57-73. Applicants are adding new claims 77-93 containing the subject matter of cancelled claims 60-76 (misnumbered as claims 57-73).

**DOCKET NO.:** ADOL-0712  
**Application No** 10/798,664  
**Office Action Dated:** March 31, 2005

**PATENT**

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is requested respectfully.

Date: May 2, 2005



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